



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
MIDDLESEX COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE APRIL 6, 1995
AMENDMENTS TO THE MIDDLESEX COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On July 29, 1980, the Department of Environmental Protection (Department or DEP) approved, with modifications, the Middlesex County District Solid Waste Management Plan (County Plan).

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for a ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for a ten-year period, which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements).

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Middlesex County Board of Chosen Freeholders (County Freeholders) completed such a review and on April 6, 1995, adopted amendments 1994-4 and 1994-5 to its approved County Plan.

Amendment 1994-4 proposed that the existing Dauman Recycling Company, Inc. recycling center for Class B materials located in the Borough of Carteret, Middlesex County be expanded to include the adjacent, inactive Carteret Landfill and increased in capacity from 600 tons per day (TPD) to 1,500 TPD. Amendment 1994-5 proposed to include Wood Management, Inc. located in the Township of Edison, Middlesex County as a recycling center for Class B materials.

The amendments were received by the Department on April 25, 1995, and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed these amendments and has determined that the amendments adopted by the County Freeholders on April 6, 1995 are approved with modification as provided in N.J.S.A. 13:1E-24.

B. Findings and Conclusions with Respect to the Middlesex County District Solid Waste Management Plan Amendments

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the April 6, 1995 amendments to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that these plan amendments, as modified, are consistent with the Statewide Solid Waste Management Plan. In this regard, the County Freeholders and the applicants are notified of the issues of concern relative to the April 6, 1995 amendments which are included in Section B.2. below.

In conjunction with the review of the amendments, the Department circulated copies to fifteen federal and state administrative review agencies, and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. All agencies contacted are as follows:

Division of Enforcement, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Division of Solid and Hazardous Waste, DEP
Division of Water Quality, DEP
Office of Air Quality Management, DEP
Green Acres Program, DEP
Land Use Regulation Element, DEP
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture

Department of Health
Department of Transportation
Department of Community Affairs
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the April 6, 1995 Amendments

The following agencies did not object to the proposed amendments:

Division of Enforcement, DEP
Division of Parks and Forestry, DEP
Division of Fish, Game and Wildlife, DEP
Green Acres Program, DEP
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Transportation
Department of Community Affairs

The following agencies did not respond to our requests for comment:

Office of Air Quality Management, DEP
New Jersey Turnpike Authority
Department of Health
U.S. Environmental Protection Agency

The following agencies provided substantive comments as shown in Section B. of the certification document:

Land Use Regulation Element, DEP
Division of Solid and Hazardous Waste, DEP
Division of Water Quality, DEP

2. Issues of Concern Regarding the April 6, 1995 Amendments

Issue: Regulatory Requirements

If any operation of a recycling center will discharge pollutants as defined in N.J.A.C. 7:14-1.9, said operation must secure a New Jersey Pollutant Discharge Elimination System Permit and/or a Treatment Works Approval for pollutant discharges prior to operation.

Recycling centers are subject to the provisions of N.J.A.C. 7:27-5, "Prohibition of Air Pollution." This regulation prohibits the release of odors and other air contaminants which interfere with the enjoyment of life and property. Also, recycling centers are subject to the regulations set forth at N.J.A.C. 7:26A-1 et seq., which includes but is not limited to operational standards and general rules for recycling centers which receive, store, process, or transfer Class A and Class B recyclable materials.

Issue: Pending Regulatory Requirements Concerning Dauman Recycling

The DEP's Land Use Regulation Element notes that the proposed expansion of the existing Dauman Recycling Company, Inc. recycling center to include the area of the adjacent inactive Carteret Borough Landfill located at Block 11.01, Lots 40, 41, 42, 43, 50, 52, 58, and 60 is in close proximity to freshwater wetlands. Therefore, the applicant should contact the regional supervisor for the Raritan Region at (609) 633-6759 for a preapplication conference prior to filing for a Waterfront Development Permit.

The DEP's Division of Solid and Hazardous Waste notes the following issues regarding the expansion of the existing Dauman recycling center: (1) the applicant must submit an "as built" certificate which verifies that the original closure plan submitted by Cranbrook Associates for the Carteret Landfill which is adjacent to the existing Dauman site was completed as specified; (2) the previous DEP approved closure plan for the Carteret Landfill must be modified to reflect any existing or proposed recycling activities not indicated on that plan; (3) Dauman's existing DEP approval to operate a recycling center for Class B materials must be modified to reflect any activities identified in the April 6, 1995 amendment not included in that January 27, 1994 DEP approval; and (4) Dauman Recycling has been operating on the adjacent Carteret Landfill pursuant to a storage exemption for pallets only and several site visits have revealed numerous violations pertaining to the storage of processed/unprocessed material, mechanical parts, trailers, and tires. Dauman must cease and desist the unauthorized use of this pending site and must remove all waste exclusive of pallets.

Therefore, as noted within Section C., the inclusion of the expansion of the Dauman Recycling Company, Inc. recycling center for Class B materials located in the Borough of Carteret is approved with modification contingent upon the resolution of all outstanding DEP regulatory requirements. These requirements include obtaining a Waterfront Development Permit, a modified closure plan approval, and a modified approval for a Class B recycling center, and the removal of all unauthorized materials from the adjacent Carteret Landfill.

Issue: Site Constraints Concerning Wood Management

Currently, a portion of the site of the proposed Wood Management, Inc. recycling center for Class B materials located at 327 Meadow Road in Edison Township contains a large pile of concrete demolition material left by the previous owners of the property. The applicant does not intend to utilize this portion of the site which will be fenced off and, accordingly, this area of the site is not the subject of County Plan inclusion. However, the Department has concerns with the clean-up status of the unused portion of this site. Therefore, the County should coordinate efforts with the

DEP's Division of Enforcement Field Operations to ensure that the proper remedial action is pursued.

Also, Wood Management, Inc. has operated a facility at 2900 Woodbridge Avenue in Edison Township which they intend to close once all necessary approvals to operate at the Meadow Road location have been obtained. As a condition of County Plan inclusion of the Meadow Road site, the County is requiring that the Woodbridge Avenue site must be left clean and free of all wood waste and residual materials.

Issue: Transposition of Lots for Wood Management

Amendment 1994-5 identifies the site for Wood Management, Inc. as Block 376, Lots 2B-2 and part of 2B-1 within Edison Township. However, as part of the administrative review process for this amendment, the Engineering Element of the DEP's Division of Solid and Hazardous Waste notes that the applicant is currently operating at this site under a six month limited approval. This approval identifies the site as Block 376, Lots 2B-1 and part of 2B-2. To resolve this discrepancy, the County's solid waste coordinator was contacted and, after researching the issue, confirmed that the lots comprising the site were transposed within Amendment 1994-5.

Therefore, as noted within Section C., to rectify this inaccuracy Amendment 1994-5 is approved with modification to identify the correct site within Edison Township for Wood Management, Inc.'s proposed recycling center for Class B materials.

C. Certification of the Middlesex District Solid Waste Management Plan Amendments

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the April 6, 1995 amendments to the approved County Plan and certify to the County Freeholders that the April 6, 1995 amendments are approved with modification as further specified below.

1. Amendment 1994-4

The County Plan inclusion of the expansion of the existing Dauman Recycling Company, Inc. recycling center for Class B materials is approved with modification. Specifically, the facility, presently located at Block 11.01, Lots 20 and 23.01 in the Borough of Carteret, Middlesex County is proposed to expand onto the adjacent inactive Carteret Landfill located at Block 11.01, Lots 40, 41, 42, 43, 50, 52, 58, and 60. As noted within Section B., this expansion is approved contingent upon the resolution of all outstanding Department regulatory requirements. These requirements include obtaining a Waterfront Development Permit, a modified closure plan

approval, and a modified approval for a Class B recycling center, and the removal of all unauthorized materials from the adjacent Carteret Landfill. Also, the proposed increase in the capacity of the existing facility from 600 tons per day to 1,500 tons per day is approved. Finally, the expansion does not represent a change in the materials to be accepted at the facility which include nonchemically treated wood waste, wood pallets, tree stumps, virgin wood, and noncomposted leaves.

2. Amendment 1994-5

The County Plan inclusion of Wood Management, Inc. located at Block 376, Lots 2B-1 and part of 2B-2, 327 Meadow Road in the Township of Edison, Middlesex County as a recycling center for Class B materials is approved with modification to correct the transposition of lots identified within the amendment as noted in Section B. The facility proposes to accept up to 1200 tons per day of clean wood waste, wood pallets, tree stumps, and tree parts. Also, as noted within Section B., a condition of County Plan inclusion of the Meadow Road site is that the previously utilized site at 2900 Woodbridge Avenue in Edison Township must be left clean and free of all wood waste and residual materials.

This certification shall not be construed as an expression of the Department's intent to issue a recycling center approval to any recycling center for Class B recyclable materials. A recycling center approval shall only be granted where the applicant has submitted an administratively complete application, as per N.J.A.C. 7:26A-3.5, where all substantive criteria for approval set forth in N.J.A.C. 7:26A-3.2, 3.3, and 3.4 are satisfied, where a fee has been paid in accordance with N.J.A.C. 7:26A-2, and where none of the criteria for denial of a recycling center approval are met, as per N.J.A.C. 7:26A-11 and 12.

Pursuant to N.J.A.C. 7:26A-4.1(a)1.iii., Class A recyclable materials may be commingled only with other Class A recyclable materials. Class B recyclable materials may be commingled only with other Class B recyclable materials and only to the extent authorized in the general approval.

Any residue generated as a result of the operation of this recycling center shall be disposed of pursuant to the County Plan and the Interdistrict and Intradistrict Solid Waste Flow Rules (N.J.A.C. 7:26 et seq.).

D. Other Provisions Affecting the Plan Amendments

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with these amendments to the County Plan and which was executed prior to the approval of these

amendments and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of these amendments and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of these amendments provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendments contained herein shall operate in compliance with these amendments and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plan

The provisions of the County Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules set forth at N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendments

This document shall serve as the certification of the Commissioner of the DEP to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c and f, the County shall proceed with the implementation of the approved amendments, as modified, certified herein.

5. Definitions

For the purpose of these amendments and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4, -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendments

The amendments, as modified, to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

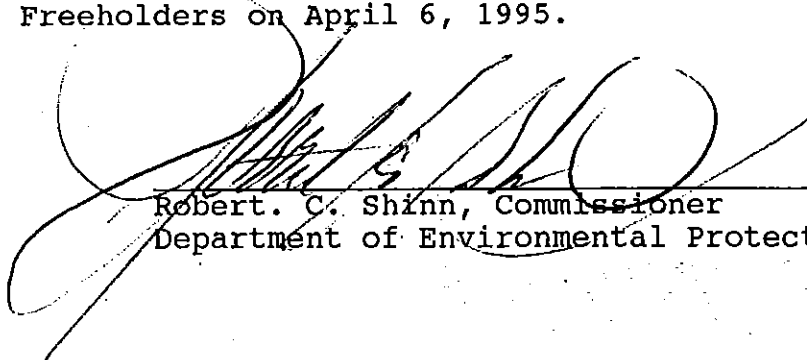
Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval with Modification of the Amendments by the Commissioner of the Department of Environmental Protection

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve with modification the amendments, as outlined in Section C. of this certification, to the Middlesex County District Solid Waste Management Plan which were adopted by the Middlesex County Board of Chosen Freeholders on April 6, 1995.

Date

8/10/95


Robert. C. Shinn, Commissioner
Department of Environmental Protection